

## **Existing/National Program Chemicals & Broader Issues Working Group Summary of Discussion at January 6, 2004 Meeting**

### **DISCUSSION**

The workgroup considered presentations by EPA on two case studies - Perfluorooctyl sulfonates (PFOS) and asbestos - to illustrate the various ways in which TSCA has been applied to existing chemicals.

**PFOS:** Action initiated by Section 8(e) notices from manufacturer. EPA responded to the notices. The manufacturer voluntarily withdrew product from market. EPA adopted SNUR. Effort coordinated with New Chemicals Program.

**Asbestos:** In 1989, EPA adopted a Section 6 rule imposing broad and comprehensive phase out of asbestos. In 1991, Court of Appeals rejected majority of the rule. Rule took seven years and cost the Agency \$10 million. In 1999, EPA renewed focus on asbestos with emphasis on science questions. It has drafted an Asbestos Action Plan.

### **WORK PLAN**

#### **For existing chemicals and/or national program chemicals**

- P** Take a closer look at Significant New Use Rule (SNUR) and Section 6 to address unreasonable risk uses of National Program Chemicals.
- P** Explore how TSCA rules can allow for innovation in new detection and analysis technologies instead of locking in technologies that become outdated and/or cumbersome.

#### **For broader issues**

- P** Determine how effective TSCA is in identifying and addressing chemicals that pose potentially substantial risks, starting with Section 8(e) notification.
- P** Evaluate whether the communication with other federal agencies and OPPT is effective in identifying the other agencies' chemical information needs.

### **APPROACH TO BROADER ISSUES**

Pursue a two-part approach to addressing the broader issues:

- P** Conduct macro analysis-Data collection on TSCA instruments, particularly Sections 5(a)(2) [SNURs], Section 6 and Section 8(e); and
- P** Use case studies to tease out key factors and gaps based on macro analysis

## NEXT STEPS

- P OPPT asked to produce a "201" document that focuses on Section 8(e) filings.
- P Working group requested EPA briefing on how OPPT evaluates its effectiveness beyond the Government Performance and Results Act (GPRA).
- P As the Working Group gains more clarity on the specific needs it will address, it will make decisions about whether or not it requires additional expertise in order to accomplish its work plan. At the very least, the group will invite others in the broader toxics management community to present their view of challenges and approaches. Examples could include experts from Centers for Disease Control and Prevention, the Consumer Products Safety Commission, State asbestos inspection officials, and National Institute for Occupational Safety and Health, among others.
- P Meridian will prepare a summary of the discussions and circulate to group members for comment.
- P Information Needed by Working Group
  - " Section 8(e) Guidance [provides some clarification on meaning of "substantial risk"]
  - " CPSC Asbestos Policy
  - " List of sections of existing documents in Working Group possession (e.g., OPPT 101) that contain germane information
- P Late January/early February conference call to confirm approach